

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID MUNGAI NJENGA,

Petitioner,

No. C07-1498Z

V.

A. NEIL CLARK,

ORDER OF DISMISSAL

Respondent.

The Court, having reviewed Petitioner's Petition for Writ of Habeas Corpus, Respondent's motion to dismiss, the Supplemental Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, docket no. 40, and any objections or responses, and the remaining record, finds and Orders as follows:

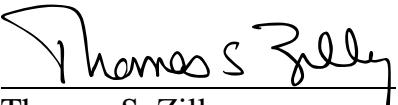
(1) The Court adopts the Supplemental Report and Recommendation, docket no. 40;

(2) Petitioner's Petition for Writ of Habeas Corpus, docket no. 4, is DENIED, Respondent's motion to dismiss, docket no. 13, is GRANTED, Petitioner's Traverse Motion, docket no. 41, is DENIED, Petitioner's Request for Release Pending Resolution of his Habeas Petition, docket no. 43, is DENIED, and this action is DISMISSED with prejudice; and

1 (3) The Clerk is directed to send a copy of this Order to the parties, and to
2 Magistrate Judge Theiler.

3 IT IS SO ORDERED.

4 DATED this 11th day of August, 2009.

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7 Thomas S. Zilly
United States District Judge

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